

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

NATIONAL COUNCIL FOR ADOPTION
BUILDING ARIZONA FAMILIES on behalf
of itself and its birth-parent clients, birth
parents D.V. and N.L., and baby boy T.W. by
and through his guardian ad litem PHILIP
(JAY) MCCARTHY, JR.,

Plaintiffs,

v.

SALLY JEWELL, in her official capacity as
Secretary of the United States Department of
the Interior, KEVIN WASHBURN, in his
official capacity as Assistant Secretary of
Indian Affairs, BUREAU OF INDIAN
AFFAIRS, and the UNITED STATES
DEPARTMENT OF THE INTERIOR,

Defendants.

Civil Action No. 1:15cv00675

**MOTION OF NATIONAL CONGRESS OF AMERICAN INDIANS, ASSOCIATION ON
AMERICAN INDIAN AFFAIRS, AND NATIONAL CHILD WELFARE ASSOCIATION
FOR LEAVE TO FILE BRIEF AS *AMICI CURIAE***

Pursuant to Rule 7(a) of the Local Rules of the Eastern District of Virginia, the National Congress of American Indians, the Association on American Indian Affairs, and the National Indian Child Welfare Association, by and through undersigned counsel, file this motion for leave to file a brief as *amici curiae* in the above-captioned case in support of Defendants' Motion to Dismiss (Doc. 51). The grounds for this motion are stated with particularity in the accompanying memorandum of law. If permitted to appear, *amici* respectfully request that this Court consider the *amici curiae* brief submitted contemporaneously with this motion.

Counsel for *amici* have contacted all parties to seek consent to file this motion;

Defendants consent to the filing of the motion, and Plaintiffs take no position on the motion.

Dated: September 18, 2015

Respectfully submitted,

/s/

Drew W. Marrocco, (VSB # 38955)

Samuel F. Daughety (*pro hac vice* motion pending)

Samuel Kohn (*pro hac vice* motion pending)

Dentons US LLP

1301 K Street, N.W.

Suite 600, East Tower

Washington, DC 20005

Telephone: (202) 408-6400

Facsimile: (202) 408-6399

E-mail: dmarrocco@dentons.com

Attorneys for *Amici Curiae*

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of September, 2015, that I electronically filed with the Clerk the foregoing using the Court's Electronic CM/ECF System and that service was thereby accomplished upon:

Dennis C. Barghaan, Jr.
Assistant U.S. Attorney
2100 Jamieson Avenue
Alexandria, Virginia 22314
Telephone: (703) 299-3891
Fax: (703) 299-3983
Email: dennis.barghaan@usdoj.gov

Attorney for Defendants

Jacob Stephen Siler
GIBSON DUNN & CRUTCHER LLP (DC)
1050 Connecticut Avenue N.W., Suite 300
Washington, DC 20036
Email: Jsiler@gibsondunn.com

Attorney for Plaintiffs

/s/
Drew W. Marrocco, (VSB # 38955)
Dentons US LLP
1301 K Street, N.W.
Suite 600, East Tower
Washington, DC 20005
Telephone: (202) 408-6400
Facsimile: (202) 408-6399
E-mail: dmarrocco@dentons.com

Attorneys for Amici Curiae